

Introduced by Senator Pavley

February 27, 2009

An act to amend Section 14529.9 of the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 659, as introduced, Pavley. Transportation.

Existing law generally provides for programming of transportation capital projects pursuant to the state transportation improvement program process. Existing law authorizes a local agency to request that a portion of the cost of any project in the program funded by the local agency be eligible for reimbursement from federal funds, as specified.

This bill would make a nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14529.9 of the Government Code is
2 amended to read:
3 14529.9. (a) A transportation planning agency, county
4 transportation commission, or local transportation authority may,
5 with the concurrence of the commission, request the department
6 to make a portion of the cost of any project funded by a local entity
7 that is included in the state transportation improvement program
8 eligible for reimbursement by the federal government pursuant to
9 Section 115 of Title 23 of the United States Code. The
10 transportation planning agency, county transportation commission,
11 or local transportation authority shall be responsible for the cost

1 the department incurs in making the project's cost eligible for
2 federal reimbursement.

3 (b) The transportation planning agency, county transportation
4 commission, or local transportation authority and the department
5 shall specify by agreement whether reimbursements for project
6 costs received from the federal government pursuant to Section
7 115 of Title 23 of the United States Code shall be returned to the
8 local funding entity for transportation projects or allocated to
9 additional projects in the state transportation improvement program.
10 For purposes of Sections 188 and 188.8 of the Streets and
11 Highways Code, reimbursements to local entities shall be
12 considered expenditures from the State Highway Account in the
13 year the reimbursement occurs.

14 (c) For reimbursements which a local funding entity specifies
15 are to be allocated to additional projects in the state transportation
16 improvement program, the transportation planning agency, county
17 transportation commission, or local transportation authority and
18 the department, in making their recommendations, and the
19 commission, in adopting the state transportation improvement
20 program, shall consider the recommendations of the local funding
21 entity for projects to be funded from federal reimbursements
22 received for a project the entity has funded. The reimbursements
23 may not be used as substitute funding for projects the commission
24 has included in the adopted state transportation improvement
25 program and programmed to receive state and federal funds, other
26 than those provided as reimbursement pursuant to Section 115 of
27 Title 23 of the United States Code.

28 (d) The department, in its recommended funding estimate, shall
29 identify the amount of project costs that can be made eligible for
30 reimbursement pursuant to Section 115 of Title 23 of the United
31 States Code. The department shall also estimate the amount of
32 federal funds available for reimbursement in each year of the state
33 transportation improvement program.

34 (e) Each year the department shall determine the actual amount
35 of federal funds available for reimbursement pursuant to Section
36 115 of Title 23 of the United States Code and shall notify the
37 commission and regional transportation planning agencies.

38 (f) In any federal fiscal year in which the department determines
39 funding is available for reimbursement pursuant to Section 115 of
40 Title 23 of the United States Code, the department shall seek

1 reimbursement for locally funded projects in the order in which
2 the projects were made eligible pursuant to subdivision (a). If the
3 funds available are not sufficient to fully reimburse a locally funded
4 project, the department shall seek ~~reimbursement~~ *reimbursement*
5 for the next project whose amount can be fully reimbursed. Projects
6 bypassed for reimbursement in one fiscal year shall retain their
7 priority in the next fiscal year in which funding is available.

8 (g) The commission shall not make a reimbursement pursuant
9 to this section unless the department finds that implementation of
10 advance construction of projects results in the state receiving
11 federal funds in addition to those which would be received in the
12 absence of advanced construction agreements under this section.
13 Reimbursement shall only be made when the commission
14 determines that all county minimum expenditures pursuant to
15 Section 188.8 of the Streets and Highways Code can be reasonably
16 met, that the minimum expenditures cannot be met for reasons not
17 related to advance construction reimbursements, or when the
18 county in which a reimbursement would be made is below its
19 minimum expenditure amount pursuant to that section. A project
20 bypassed for reimbursement under this subdivision in one fiscal
21 year shall retain its priority in the next fiscal year in which funding
22 is available.

23 (h) The department shall notify the commission within 30 days
24 of applying for reimbursement by the federal government for
25 locally funded projects.